

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 08 August 2008.

Status of Claims

2. Claims 1, 59 and 117 are currently amended. Claims 1-174 are currently pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-174 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-12, 14-17, 21-32, 34-37, 41-49, 51-54, 58-70, 72-75, 79-90, 92-95, 99-107, 109-112, 116-128, 130-133, 137-148, 150-153, 157-165 and 167-170 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter et al. (hereinafter Hunter) U.S. Patent 6,850,901.

Examiner's Note: The Hunter reference has a filing date of 24 Aug. 2000. This is after Applicant's provisional filing date of 23 March 2000. However, Hunter claims priority to CIP 09/465,729, filed 17 December 1999. The Examiner has reviewed the CIP and all portions cited out of Hunter are supported in the CIP 09/465,729. Specifically, at least Figs. 1-12 and the detailed description through column 11, line 61 in the Hunter reference are supported by the CIP.

Regarding independent claims 1, 59 and 117, Hunter teaches a transaction method comprising:

Registering at least one available transaction, wherein the at least one available transaction is associated with at least one vendor (column 7, line 55 thru column 8, line 13);

Assigning to said at least one available transaction, a transaction code, wherein the transaction code is publicized with an access identifier in a single advertisement in an advertisement medium separately from a communication where the transaction code is accepted (column 5, line 26 thru column 6, line 12 and Figure 1A);

Registering at least one user, said registering including recording shipping information and payment information from each said at least one user (column 7, lines 29-54);

Assigning a personal identification code to each said at least one user (column 7, lines 29-54);

Accepting automatically an aural communication addressed to the access identifier, said communication including at least one of said personal identification code and said transaction code (column 6, line 27 thru column 7, line 28); and

Arranging said at least one available transaction to be completed for said at least one user, including arranging to have payment collected based on said recorded payment information and sending the at least one vendor a transaction order comprising said recorded shipping information (column 7, line 55 thru column 8, line 13).

Claim 2, 60 and 118 Hunter teaches wherein said accepting comprises accepting automatically an aural communication from any one of at least two communications networks that each provide communications based on a different communications protocol (column 11, line 13-24).

Claim 3, 23, 61, 81, 119 and 139 Hunter teaches wherein said communication occurs over a landline telephonic aural telephone (column 11, line 13-24).

Regarding claims 4, 15, 24, 35, 52, 62, 73, 82, 93, 110, 120, 131, 143, 151 and 168, Hunter teaches that the electronic shopping system facilitates shopping using a wireless telephone as a transaction device (column 11, line 13-24 and column 5, lines 54 thru column 6, line 12 and column 6, lines 39-57).

Claim 5, 25, 42, 63, 83, 100, 121, 141 and 158 Shimada teaches wherein said registering at least one user includes recording at least one telephone number of said at least one user, said method further comprising detecting a telephone number from which said telephonic aural communication originates, and said accepting includes verifying that said telephonic aural

communication originates from one of said at least one recorded telephone numbers of said at least one user (column 8, lines 1-7).

Claim 6, 26, 43, 64, 84, 101, 122, 142 and 159 Hunter teaches wherein said registering at least one user includes recording at least one communications address of said at least one user, said method further comprising detecting a communications address from which said telephonic aural communication originates, and said accepting includes verifying that said telephonic aural communication originates from one of said at least one recorded communications addresses of said at least one user (column 6, lines 39 thru column 7, line 7 and column 7, lines 29-54).

Regarding claims 7, 27, 44, 65, 85, 102, 123, 143 and 160, Hunter teaches a telephony system in which a shipping address is used to designate where advertised items are to be delivered (column 6, lines 39 thru column 7, line 7 and column 7, lines 29-54).

Claim 8, 28, 45, 66, 86, 103, 124, 144 and 161 Hunter teaches further comprising confirming that said at least one user desires said at least one available transaction (column 7, lines 8-28).

Claim 9, 29, 46, 67, 87, 104, 125, 145 and 162 Hunter teaches further comprising accepting said telephonic aural communication as one number that is entered by said at least one user to include said personal identification code and said transaction code (column 6, line 27 thru column 7, line 28).

Claim 10, 30, 47, 68, 88, 105, 126, 146 and 163 Hunter teaches wherein said arranging comprises arranging said at least one available transaction automatically in response to said accepting (column 7, line 55 thru column 8, line 13).

Claim 11, 31, 48, 69, 89, 106, 127, 147 and 164 Hunter teaches wherein said aural communication is a voice communication (column 7, lines 8-28).

Claim 12, 32, 49, 70, 90, 107, 128, 148 and 165 Hunter teaches further comprising recognizing said personal identification code when said personal identification code is spoken in said aural voice communication, and wherein said accepting comprises accepting automatically said aural voice communication based on said recognizing (column 6, line 39 thru column 7, line 28).

Claim 14, 34, 51, 72, 92, 109, 130, 150 and 167 Hunter teaches wherein said at least one user is one of a plurality of registered users that each have a different user terminal platform and wherein said accepting comprises accepting aural communications from each of said different user terminal platforms (column 11, line 13-24).

Claims 16, 36, 53, 74, 94, 111, 132, 152 and 169, Hunter teaches the aural communication comprises dual-tone/multi-frequency entries (column 7, lines 8-28).

Claims 17, 37, 54, 75, 95, 112, 133, 153 and 170, Hunter teaches further comprising registering one transaction that is available from said at least one user when said at least one user is registered (column 7, line 55 thru column 8, line 13).

Claims 21, 41, 58, 79, 99, 116, 137, 157 and 174, Hunter teaches wherein said personal identification code is a unique identification code (column 6, line 58 thru column 7, line 52).

Claims 22, 80 and 138, Hunter teaches wherein said aural communication is telephonic (column 7, lines 8-28).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13, 20, 33, 40, 50, 57, 71, 78, 91, 98, 108, 115, 129, 136, 149, 156, 166 and 173 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (hereinafter Hunter) in view of Shimada et al. (hereinafter Shimada) U.S. Patent 6,396,919.

Claim 13, 33, 50, 71, 91, 108, 129, 149 and 166, Hunter fails to teach registering a signature. Shimada teaches registering at least one user comprises recording a signature of said

at least one user speaking said personal identification code, said method further comprising comparing said signature with said personal identification code spoken in said aural voice communication, and said accepting comprising accepting automatically said aural voice communication based on said comparing (column 8, lines 50-64). Therefore it would have been obvious to a person of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Hunter to include registering a signature as taught by Shimada because it can be sued to authenticate the user to provide security to the transaction.

Claims 20, 40, 57, 78, 98, 115, 136, 156 and 173 Hunter teaches registering a plurality of transactions (column 7, line 55 thru column 8, line 13). Shimada teaches wherein said registering at least one transaction comprises registering two transactions for two different locations, said assigning a transaction code comprises assigning to each of said two transactions said transaction code, said accepting comprises determining a location of said at least one user, and said method further comprising locating from where said communication is sent to identify one of said two transactions (column 15, line 63 thru column 16, line 30).

8. Claims 18, 19, 38, 39, 55, 56, 76, 77, 96, 97, 113, 114, 134, 135, 154, 155, 171 and 172 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (hereinafter Hunter) in view of Shimada et al. (hereinafter Shimada) U.S. Patent 6,396,919 in further view of Official Notice (as evidenced by Kamel, U.S. Patent 6,212,262).

Claims 18, 19, 38, 39, 55, 56, 76, 77, 96, 97, 113, 114, 134, 135, 154, 155, 171 and 172, were previously rejected under Official Notice that registering a vendor is old and well known in

the financial arts. U.S. Patent 6,212,262 was provided for the teaching of transactions between customers and merchants where merchants register with the transaction system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEFANOS KARMIS whose telephone number is (571)272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
/Stefanos Karmis/
Primary Examiner, Art Unit 3693
23 October 2008